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APPLICATION NO.	F	ILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,477		11/14/2003	F. Martin Pollock	006593-1868-R1 3227	
33375	7590	12/15/2005		EXAMINER	
THOMPSO			LU, JIPING		
2000 COUR 10 WEST S		PLAZA N.E. TREET		ART UNIT	PAPER NUMBER
DAYTON, OH 45402-1758				3749	

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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	Application No.	Applicant(s)	
	10/714,477	POLLOCK ET AL	
Office Action Summary	Examiner	Art Unit	
	Jiping Lu	3749	
The MAILING DATE of this communication ap Period for Reply	pears on the cover sheet with the o	correspondence ad	ddress
A SHORTENED STATUTORY PERIOD FOR REPL WHICHEVER IS LONGER, FROM THE MAILING D. - Extensions of time may be available under the provisions of 37 CFR 1. after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period Failure to reply within the set or extended period for reply will, by statut Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	DATE OF THIS COMMUNICATION 136(a). In no event, however, may a reply be tin will apply and will expire SIX (6) MONTHS from e, cause the application to become ABANDONE	N. nely filed the mailing date of this o D (35 U.S.C. § 133).	
Status			
1)⊠ Responsive to communication(s) filed on 14 N	November 2003		
	s action is non-final.		
3) Since this application is in condition for allowated closed in accordance with the practice under	ance except for formal matters, pro		e merits is
Disposition of Claims			
4) ☐ Claim(s) 1-14 is/are pending in the application 4a) Of the above claim(s) is/are withdra 5) ☐ Claim(s) 1-9,11 and 13 is/are allowed. 6) ☐ Claim(s) 10,12 and 14 is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) are subject to restriction and/or	wn from consideration.		
Application Papers			
9)☐ The specification is objected to by the Examine	er.		
10) The drawing(s) filed on is/are: a) □ acc			
Applicant may not request that any objection to the			
Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the E			
Priority under 35 U.S.C. § 119			
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority document 2. Certified copies of the priority document 3. Copies of the certified copies of the priority application from the International Bureat * See the attached detailed Office action for a list	ts have been received. ts have been received in Applicati prity documents have been receive nu (PCT Rule 17.2(a)).	on No ed in this National	Stage
Attachment(s) Outline of References Cited (PTO-892) Outline Of Draftsperson's Patent Drawing Review (PTO-948) Outline O	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal P	(PTO-413) ate	O-152)
Paper No(s)/Mail Date <u>11/14/03</u> .	6)		

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DETAILED ACTION

Claim Rejections - 35 USC § 112

- 1. The following is a quotation of the first paragraph of 35 U.S.C. 112:
 - The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
- 2. Claims 10, 12, 14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claimed a warewash machine including the fluid heating tank of claim 8/12/13 is new matter which is not supported by the original filed specification. Nowhere in the original patent does the applicant explain and describe the newly added "warewash machine" including "the fluid heating tank". The original patent failed to show and illustrate where and how the newly added "warewash machine including the fluid heating tank". At best, the claimed "fluid heating tank" is for use in connection with "a commercial warewasher". However, it is not seen how the applicant now could claim that a "warewash machine including the fluid heating tank". Further study of the original patent could not have drawn any conclusion that the "the fluid heating tank is included in warewasher machine".

Allowable Subject Matter

3. Claims 1-9, 11, 13 are allowed.

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Conclusion

4. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jiping Lu whose telephone number is 571 272 4878. The

examiner can normally be reached on Monday-Friday, 9:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, EHUD GARTENBERG can be reached on 571 272-4828. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

iping Lu

Primary Examiner

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J.L.